

REMARKS

I. Rejection under 35 U.S.C. § 112

Claims 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner indicates that the reference "emulsion of the rubber solution and water" fails to further limit Claim 5. Claim 5 has been cancelled and replaced with New Claim 12 which claims a process for preparing polyurea-filled rubber mixtures comprising a rubber and 1 to 300 parts by wt., with respect to 100 parts by wt. of rubber, of a polyurea filler with a particle size of 0.001 to 500 μm and optionally, further rubber auxiliary substances and cross-linking agents, comprising the step of reacting a polyisocyanate with a polyamine in a solution of the rubber or in an emulsion of the rubber solution and water. Support for new Claim 12 is found in the Specification on page 2, lines 23 – 27.

In Claim 7, the Examiner is unclear as to whether the water is optional or if the "large excess" is the optional feature. Claim 7 has been amended to indicate an excess of water is optionally used.

Next, the Examiner indicates the word "large" is relative terminology and is unclear as to what quantity of water is set forth by the language. Claim 7 has also been amended to delete the word "large".

Applicants respectfully submit that Claims 6 and 7 overcome the present rejection.

II. Rejection under 35 U.S.C. § 103

Claims 1 - 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 12-265007. The earliest publication date of JP 12-265007 appears to be September 26, 2000. Since the priority date of the present application is as early as July 4, 2000, JP 12-265007 is not an effective reference under this rejection. Accordingly, the Applicants respectfully submit that the rejection of Claims 1 – 11 under this rejection is moot.

Attached is a copy of a certified translation of the priority document.

For any and all of the aforementioned reasons, reconsideration and early allowance of all pending claims is courteously requested.

Respectfully submitted,

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VERSION WITH MARKED CHANGES

In the Claims:

Claim 5 has been cancelled.

Claims 6 and 7 were amended as follows:

6. (Amended) A process according to Claim 12 5, wherein the polyisocyanate is reacted with the polyamine in a solution of the rubber or in an emulsion of the rubber solution and water.

7. (Amended) A process according to Claim 12 5, wherein the relative amounts of polyisocyanate used to polyamine used is 0.7 to 1.3 mol of isocyanate groups per mol of amine groups and an excess of the water is optionally used ~~in large excess~~.

Kindly add the following new Claim 12:

--12. A process for preparing polyurea-filled rubber mixtures comprising a rubber and 1 to 300 parts by wt., with respect to 100 parts by wt. of rubber, of a polyurea filler with a particle size of 0.001 to 500 μm and optionally, further rubber auxiliary substances and cross-linking agents, comprising the step of reacting a polyisocyanate with a polyamine in a solution of the rubber or in an emulsion of the rubber solution and water. --